

# **GROWTH POLICY, ANNEXATION, AND INCORPORATION PUBLIC CHAPTER 1101 OF 1998**

## **QUESTIONS AND ANSWERS**

In May of 1998 the Tennessee General Assembly enacted Public Chapter 1101 which has ramifications for a county wide growth policy, municipal boundary changes through annexation, and incorporations of new municipalities. This pamphlet has been prepared in an effort to promote public awareness of this new law and how it may affect the citizens and property owners of Rutherford County.

### **Who will be affected by the Public Chapter 1101?**

All residents and property owners in Rutherford County will be affected by the law. It mandates the establishment of a comprehensive growth plan for the county and the four municipalities, changes the manner in which land may be annexed into an existing municipality, and changes the manner in which new areas may incorporate to form new municipalities.

### **What will be included in the required growth plan?**

The law requires at a minimum the establishment of an urban growth boundary around each of the existing municipalities where high intensity development will be expected, the establishment of planned growth areas outside of the urban growth boundaries where high intensity development will be permitted , and the establishment of rural areas where agricultural uses will be expected.

### **Are all three of these types of areas required by the law?**

The law does not mandate the establishment of planned growth areas and rural areas and leaves the decision of having all or some of the areas to the community. In fact, it may well be the case that no planned growth areas or rural areas are established in some counties.

### **How are urban growth boundaries and planned growth areas different?**

The law will permit high intensity development in both of the areas. The primary difference is that a municipality will be permitted to annex property within its urban growth boundary provided the annexation conforms to the requirements of the new law but will not be permitted to annex into a planned growth area. The law will permit a new municipality to be formed in a planned growth area but will not allow a new municipality to form within an urban growth boundary.

**Will development be permitted in areas established as rural areas?**

Nothing in the law will forbid development of property in rural areas. However, it is contemplated that rural areas will be areas that are somewhat remote and inaccessible, should be developed with low intensity development, and should be preserved for agricultural purposes.

**Will land placed within the urban growth boundary of a municipality be subject to the zoning, land use, and other laws of the municipality?**

Land that is included within the urban growth boundary of a municipality will not be subject to the zoning, land use, or other laws of the municipality until such time as it may be annexed. Until then it will remain in the jurisdiction of the county government.

**Will a municipality be able to collect property taxes on land within its urban growth boundary?**

Until land is annexed into a municipality it can not collect property taxes from it even though it may be within its urban growth boundary.

**Will placement of farm land in an urban growth boundary, a planned growth area, or rural area affect its eligibility for “greenbelt” assessment for property taxes?**

Property tax appraisal and assessment are completely independent from Public Chapter 1101 of 1998 and whether or not land is placed in any of the three categories required by the law will have no bearing on property taxes.

**Will land placed in an urban growth boundary be annexed soon?**

It is contemplated that land within an urban growth boundary may eventually be annexed into a municipality. However, there is no definite time frame established indicating when it may be annexed. Historically the City of Murfreesboro has maintained a policy of annexation by invitation meaning that it has annexed property at the request of affected property owners and has attempted to avoid annexing those property owners who do not desire annexation. During the past 20 years, almost 95% of the annexations undertaken by the City of Murfreesboro have been at the request of affected property owners.

**What is a plan of services?**

When a municipality annexes land the municipality must prepare a plan of services which details the services that will be provided to the area annexed and must provide a reasonable time frame for the implementation of the plan. The new law

requires that the municipality be held accountable for implementing the plan and the failure of a municipality to implement the plan will prohibit it from annexing additional land until it has met its obligations. Prior to adopting the plan of services, the municipality must conduct a public hearing and after adopting the plan of services and finalizing the annexation, the municipality must publish progress reports and conduct follow-up public hearings on the plan of services until it is completely implemented.

**Who is responsible for determining the boundaries of the urban growth boundary, planned growth areas and rural areas?**

Chapter 1101 requires the appointment of a coordinating committee whose responsibility is to develop a recommended growth plan which includes the urban growth boundaries, planned growth areas, and rural areas. To assist the coordinating committee the county government is permitted to propose boundaries for planned growth areas and rural areas and the municipal governments are permitted to propose urban growth boundaries. The plan must be submitted to the legislative bodies of the county and various municipalities for ratification.

**Will there be any opportunities for public involvement in the formulation of the growth plan?**

The new law requires that prior to making proposals to the coordinating committee for urban growth boundaries, planned growth areas, and rural areas the municipalities and county government must each conduct two public hearings to obtain public input into the preparation of the plan. Prior to submitting the growth plan to the legislative bodies for ratification the coordinating committee must also conduct two public hearings. Notice of all public hearings must be published in a local newspaper at least 15 days prior to the public hearing.

**Where can a copy of the law be obtained for review?**

Copies of Public Chapter 1101 of 1998 are on file in all of the local libraries throughout the county and is available for public review in the Planning Departments for Murfreesboro, Smyrna, and the Rutherford County Regional Planning Commission.

**When must the growth plan be adopted?**

The law requires that the coordinating committee adopt the growth plan and submit it to the county and municipal legislative bodies by no later than January 1, 2000. The county and municipal legislative bodies must ratify or reject the growth plan within 120 days of receiving it from the coordinating committee.

**Are there any penalties for not developing and adopting the required growth plan?**

In the event the coordinating committee and the county government and various municipalities are unable to develop a growth plan and come to an agreement for its content, the law does provide for penalties. If the county and various municipalities have not obtained proper approval of the growth plan by July 1, 2001 they will not be eligible for Community Development Block Grants, Tennessee Industrial Infrastructure grants, Industrial Training Service Grants, Tourist Development Grants, THDA grant programs, or ISTEA funds. Additionally a state appointed agency will undertake to prepare a growth plan for the county and municipalities the cost of which will be billed to the local jurisdiction.